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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/812,234

03/29/2004

Nobuyo Sakai

501606.108029

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7590

03/06/2006

PITNEY HARDIN LLP

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EXAMINER

BARRETT, SUZANNE LALE DINO

ART UNIT

PAPER NUMBER

3676

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/812,234	Applicant(s) SAKAI, NOBUYO	
	Examiner Suzanne Dino Barrett	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) 1 and 2 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of species II-Figure 5, claims 3-5 in the reply filed on 12/27/05 is acknowledged.
2. Claims 1 and 2 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12/27/05.

It is noted that while Applicant has indicated that a preliminary amendment was filed adding claims 6 and 7, such amendment was not received by the PTO. Accordingly, although Applicant indicates election of claims 3-7 in the reply filed 12/27/05, since claims 6 and 7 are not of record in the application, this office action is directed to claims 3-5.

Specification

3. The abstract of the disclosure is objected to because it should be in one paragraph form and the subheadings ("Problems of the Invention" and "Means for Solving the Problems") should be deleted. In addition, in line 6, the phrase "of this invention is characterized in that" should be changed to --comprises--; and in the last line, "Reference Figure: Fig.1" should be deleted. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

4. Claims 3-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, lines 3,4 and 9, "to associate", "associated with" and "is associated", respectively, are indefinite recitations. Also in claim 3, the following lack proper antecedent: in line 3, "said tailpiece"; line 4, "cables drawn out"; line 7, "the case"; line 8, "the electrode"; line 9, "the extension and contraction". In claim 4, line 2, the following lack proper antecedent basis: "either one of the associated locking parts" and "said rotary can" (also note that the "rotary can" is in the non-elected embodiment). Note that claim 5 is included herein merely because of its dependency.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 3,5, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Imedio Ocana 2001/0005998. Imedio Ocana teaches an electric cylinder casing 41,42 for actuating a door lock comprising a motor 51 having a shaft member 30 which engages a rotary dish plate 28 having a tailpiece 26 associated therewith and projections 281 which engage with recesses 233 on a clutch member disc 23,27 to

actuate a bolt member. The lock casing further provides a stationary can in the circular opening shown in element 41 of Figure 2.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 4 is, as best understood, rejected under 35 U.S.C. 103(a) as being unpatentable over Imedio Ocana '998. While Imedio Ocana fails to teach an inclined angle on the rotary plate and clutch disc elements to provide a ratchet means, Official Notice is taken that it is well known in the clutch art to provide a ratchet means for engaging members to allow for a free-wheeling if desired. Accordingly, it would have been obvious to provide the clutch and dish plate members of Imedio Ocana with inclined angle surfaces to provide a well known ratchet means as desired.

Conclusion


9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the various cited electric locks.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzanne Dino Barrett whose telephone number is 571-272-7053. The examiner can normally be reached on M-Th 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Suzanne Dino Barrett
Primary Examiner
Art Unit 3676

sdb